



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 4695-00
16 November 2000

M. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested a special selection board for the Fiscal Year 2000 Lieutenant Colonel Selection Board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 2 October 2000, a copy of which is attached. They also considered your rebuttal letter dated 30 October 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board found nothing to support your belief that the former Commandant of the Marine Corps influenced the promotion board members against you. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



4695-00

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1412/2
MMPR
02 OCT 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF MAJ [REDACTED]
[REDACTED] SMC

Ref: (a) MMER Route Sheet of 21 Sep 00
(b) SECNAVINST 1401.1B
(c) MCO P1400.31B

1. Reference (a) requested an advisory opinion in the case of [REDACTED] Maj [REDACTED] requesting a special selection board (SSB) for the FY99 USMC Lieutenant Colonel Promotion Selection Board.

2. The following facts are germane to this case:

a. Maj [REDACTED] as considered and not selected as a below zone officer on the FY99 USMC Lieutenant Colonel Promotion Selection Board. Below zone officers are not considered as having failed of selection.

b. [REDACTED] is considered and not selected as an in zone officer by the FY00 and an above zone officer by the FY01 USMC Lieutenant Colonel Promotion Selection Boards. At these boards he incurred his first and second failures of selection. The FY01 board selected him for continuation, allowing him to remain on active-duty until he is retirement eligible.

c. Below zone officers are not eligible for consideration by SSBs per reference (b).

d. References (b) and (c) provide guidance on the steps an officer must take to request a SSB. [REDACTED] has not exhausted these administrative remedies. If he desires a SSB he should follow the steps outlined in references (b) and (c).

3. Based on this analysis, Promotion Branch recommends disapproving Maj [REDACTED] request for a SSB in accordance with references (b) and (c).

Subj: PCNR APPLICATION IN THE CASE OF MAJ [REDACTED]
[REDACTED] BMC

4. The point of contact in this matter is [REDACTED] at
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] Promotion Section